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(DC-02474)

PATENT APPLICATION
09/637,039

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Jenwei Hsieh, et al.
Serial No.:	09/637,039
Date Filed:	August 10, 2000
Group Art Unit:	2144
Examiner:	Nguyen, Thanh
Title:	SYSTEM AND METHOD FOR CABLING COMPUTING EQUIPMENT

MAIL STOP – AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir or Madam:

In response to the Final Office Action mailed August 17, 2006, Applicants respectfully submit the Pre-Appeal Brief Request for Review in conjunction with a concurrently submitted Notice of Appeal.

Remarks/Arguments begin on page 2 of this paper.

REMARKS

Claims 1-3, 5-10, 12-16 and 18-23 were pending, examined, and finally rejected. Applicants respectfully request pre-appeal brief review of the rejections.

Independent claims 1, 10, and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,466,989 issued to Hslao-Wei Chu et al. ("*Chu*") in view of U.S. Patent 6,490,297 issued to Mark H. Kraml et al. ("*Kraml*").

A Section 103(a) rejection is deficient unless the references cited by the Examiner disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). M.P.E.P. § 2143.03. Applicants respectfully traverse the rejection because the cited references do not teach or suggest all claim limitations, for at least the reasons discussed below.

A. *Chu*'s disclosure of a circuit that emits a signal does not teach or suggest a claim element that recites generating an illumination signal.

Independent Claim 1 recites generating "an illumination signal" indicative of a cabling connection to be made. Supporting the Section 103(a) rejection of Claim 1, the Examiner states that *Chu*'s teaching of a circuit that "emits" a signal provides the required teaching of the illumination signal claim element. Applicants disagree based on what Applicants would have thought was a quite uncontroversial proposition, namely, that "emit a signal" and "an illumination signal" are not the same.

As Applicants stated in their previous Response to Office Action, the relevant portion of *Chu*, upon which the Examiner relies to support the rejection, merely teaches a controlling circuit "emitting a signal" in response to a connection being made between a network connection device and wires of a network cable. Responding in the Final Office Action to Applicants argument that emitting a signal and an illumination signal are different, the Examiner states:

"an illumination signal' has a same function as 'a signal is emitted.'"

Applicants strongly disagree. A signal can be emitted without illuminating. Audio signals for example are emitted without illuminating their surroundings. The disclosure of emitting a signal does not, therefore, disclose an illumination signal even though an illumination signal is emitted.

An illumination signal is a signal that illuminates or supplies with light. *See, e.g.*, www.dictionary.net/illumination. Claim terms should be construed as one of ordinary skill in the field having the benefit of the disclosure would construe the term. When a dictionary definition is consistent with the meaning one of ordinary skill in the art would assign to a claim term, the construction of the claim term should be consistent with the dictionary definition. *See, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005). In this case, Applicants submit that the dictionary definition of the term “illumination” unambiguously suggests that the signal has the property of a light (i.e., a visually observable signal). Applicants further suggest that one of skill in the art having the benefit of Applicants disclosure would undoubtedly interpret the claim term “illumination signal” as a signal that illuminates or produces visually observable light. That interpretation is consistent with the dictionary definition and is consistent with a clear objective of Applicants’ invention, namely, facilitating the task of connecting a plurality of cable connections by providing visually observable indicators that assist the user in making the connections. Thus, when proper construction principles are applied to the claim term “illumination signal,” Claim 1 is unquestionably distinct from that which is disclosed by *Chu*. Also, since *Kraml* cannot be cited as teaching or suggesting an illumination signal, the cited references taken together do not teach or suggest the elements recited in the claim.

Because the references do not teach or suggest all of the elements of Claim 1, Applicants respectfully request the panel to reverse the Section 103(a) rejection and instruct the Examiner to allow the claim or produce references that provide proper support for a rejection. Analogous arguments apply to independent Claims 10 and 16 as well.

B. *Chu* and *Kraml* do not teach or suggest a signal indicative of a cabling connection “to be made.”

In addition to the foregoing, the rejection of Claim 1 is improper because the references do not teach an anticipatory signal, i.e., a signal that is indicative of a connection yet to be made. *Chu*’s emitted signal is initiated only after a network connection device is connected to a network cable. As such, any signal generated cannot be indicative of a cabling “to be made” since the cabling in question has already been accomplished. The teachings of *Chu* are directed to first making a cabling connection and then utilizing a network connection device and a switching array to correctly match the connected terminals. Similarly, *Kraml* teaches the enablement of an existing channel of a multi-channel communication line to be used for the transmission of control signals. Accordingly, Applicants submit that the combination of *Chu* and *Kraml* are directed to management of existing connections and do not disclose, teach or suggest signals for showing a cabling connection “to be made” as recited in Claim 1.

Because the references do not teach or suggest all of the elements of Claim 1, Applicants respectfully request the panel to reverse the Section 103(a) rejection and instruct the Examiner to allow the claim or produce references that provide proper support for a rejection. Analogous arguments apply to independent Claims 10 and 16 as well.

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CONCLUSION

Applicants respectfully request review and reversal of the pending claim rejections.

Applicants submit these Arguments in Support of Pre-Appeal Brief Request for Review and authorizes the Commissioner to charge the amount of \$500.00 to Deposit Account No. 50-2148. Applicants also enclose a Petition for Extension of Time for three months and authorizes the Commissioner to charge the amount of \$1,020.00 to Deposit Account No. 50-2148.

Applicants believe there are no additional fees due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,
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